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**BERESKIN & PARR**

EXAMINER

TAKAOKA, DEAN O

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 10/02/2007

## NOTICE OF ALLOWANCE AND FEE(S) DUE

1059 7590 10/02/2007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-POCKET NO.	CONFIRMATION NO.
10/787,312	02/27/2004	Evgeni Gorovoy	8989-020	4353
TITLE OF INVENTION: MICROWAVE SWITCH HOUSING ASSEMBLY				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	01/02/2008

DD Enr gc

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **Notice of Allowability**

Application No.

10/787,312

Examiner

Dean O. Takaoka

Applicant(s)

GOROVY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment dated August 23, 2007.

2. ☒ The allowed claim(s) is/are 1-17.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 9/28/07.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),

Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),

Paper No./Mail Date 9/28/07.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Isis E. Caulder on September 28, 2007.

In the claims, amended claims 1 and 12.

1. (currently amended): A microwave switch housing assembly for operation in a selected frequency range, comprising:

- (a) a housing;
- (b) a rotor rotatably mounted within said housing;
- (c) at least one waveguide passage in said rotor;
- (d) said housing having ports formed therein so that in a first position of said rotor, said waveguide passage connects said ports and in a second position of said rotor, said waveguide passage is unconnected to said ports;
- (e) a channel formed within one of said housing and said rotor such that said channel is positioned adjacent to one end of said waveguide passage when said rotor is in said second position;
- (f) a said power absorbing element positioned and secured within said channel, a side of said power absorbing element being aligned with one of the inner radius of the housing and the outer radius of the rotor being capable of absorbing electromagnetic

energy in said frequency range, so as to reduce the tendency of said waveguide passage to act as a volume resonator when said rotor is in said second position.

12. (currently amended): A microwave switch housing assembly for operation in a selected frequency range, comprising:

- (a) a housing;
- (b) a rotor rotatably mounted within said housing; (c) at least one waveguide passage in said rotor;
- (d) said housing having ports formed therein so that in a first position of said rotor, said waveguide passage connects said ports and in a second position of said rotor, said waveguide passage is unconnected to said ports, said housing having a channel formed therein;
- (e) a power absorbing element positioned and secured within said channel, a side of said power absorbing element being aligned with one of the inner radius of the housing and the outer radius of the rotor being capable of absorbing electromagnetic energy in said frequency range, said power absorbing element and channel positioned adjacent to one end of said waveguide passage and aligned therewith when said rotor is in said second position, to change the boundary conditions for said waveguide passage in said second position so as to reduce the tendency of said waveguide passage to act as a volume resonator when said rotor is in said second position.

***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Figure 1 is disclosed as prior art (page 4).

Corrected drawings in compliance with 37 CFR 1.121(d) are required on or before the payment of the issue fee to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. The objection to the drawings will not be held in abeyance.

***Allowable Subject Matter***

Claims 1 – 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: It is the position of the Examiner that the prior art neither teaches or suggest the limitations of the claims. In particular, the power absorbing element has now been defined comprising a material other than air (Hettalge, Mayer and some embodiments of Spinner). Furthermore, the position of Applicants power absorbing element (118) has been defined to be secured in the channel (116) and comprise a side aligned with the inner portion of the housing (102 – Fig. 2) or the outer portion of the rotor (214 – Figs. 8 – 9D) where elements of Spinner are circular, are recessed in the channel, and are not aligned with the either the inner radius of the housing (1) or outer radius of the rotor (4) where Spinner provides no motivation to do so or would have been obvious.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O. Takaoka whose telephone number is (571) 272-1772. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



dot

September 28, 2007

**Examiner-Initiated Interview Summary**

Application No.

10/787,312

Applicant(s)

GOROVOY ET AL.

Examiner

Dean O. Takaoka

Art Unit

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**All Participants:**(1) Dean O. Takaoka.(2) Isis E Caulder.Date of Interview: 28 September 2007**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Time: \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

35 U.S.C. 102 and 103

Claims discussed:

1,12

Prior art documents discussed:

Hettlage, Mayer and Spinner

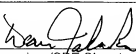
**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: It was the position of the Examiner that the amendments and arguments contained in Applicant's amendment dated August 23, 2007 were not persuasive and did not patentably distinguish over the prior art of record. It was agreed to further define independent claims 1 and 12 to further distinguish Applicant's features over the applied prior art of record. It was agreed changes would be made by Examiner's amendment in order to place the claims in condition for allowance.